IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13409 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHAVINABEN KANTIBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 13409 of 2003

MR BG PATEL for Petitioner No. 1

MR DN PATEL for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 17/09/2003

ORAL JUDGEMENT

Rule. Service of rule is waived by learned advocate Shri N.J. Shah appearing for Sr. Standing Counsel Shri D.N. Patel. At the request of the learned advocates, the petition is finally heard today.

2. The case of the petitioner is that on the basis of her school leaving certificate her place of birth was initially recorded as Umreth in her passport (No.E-3658728). Thereafter the petitioner has come to know that her correct place of birth is Thamna, as recorded in the Register of Births and Deaths maintained under the provisions of Registration of Births and Deaths Act, 1969. Moreover, the petitioner also wants name of her father to be recorded differently in her passport.

3. In pursuance of notice issued by this court, learned advocate Shri N.J. Shah has appeared and has submitted that on the basis of information given by the petitioner in the past, in the passport which has been issued to the petitioner it has been stated that the petitioner was born at Umreth. Now the petitioner has come with a different case. However, it has been submitted that if the petitioner submits an application for making corrections, her application will be looked into and after considering the evidence adduced by the petitioner, if the authority is satisfied that the correct place of birth of the petitioner is Thamna, a new passport stating the correct place of birth shall be issued to her. With regard to a request for stating name of the petitioner's father differently, it has been stated that needful shall be done by the respondent authority upon a request received from the petitioner.

4. Looking to the facts of the case, the petitioner is directed to submit an application to the respondent authority with relevant documents and evidence to show that the petitioner was in fact born at Thamna. If the authority is satisfied that the correct place of birth of the petitioner is Thamna, I am sure that the authority shall issue a new passport recording the correct place of birth. Similarly, needful shall also be done by the respondent authority with regard to effecting change in the name of the petitioner's father.

5. As the respondent authority will have to undertake the exercise of scrutinizing the application, appreciating the evidence, etc. afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs. 5,000/- is ordered to be paid by the petitioner to the respondent authority by way of costs.

6. In view of the above direction, the petition stands disposed of as allowed. Rule is made absolute. D.S. permitted.

(A.R. Dave, J.)

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